# IN THE UNITED STATES DISTRICT COURT
## FOR THE MIDDLE DISTRICT OF TENNESSEE
## NASHVILLE DIVISION

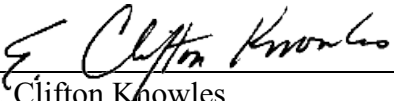| | | | |
|---|---|---|---|
| OMOWALE ASHANTI SHABAZZ, | ) | | |
| | ) | | |
| Plaintiff, | ) | | |
| | ) | | |
| | ) | CASE NO. 3:13-00091 | |
| vs. | ) | JUDGE SHARP/KNOWLES | |
| | ) | | |
| | ) | JURY DEMAND | |
| | ) | | |
| DERRICK SCHOFIELD, et al., | ) | | |
| | ) | | |
| Defendants. | ) | | |

## REPORT AND RECOMMENDATION

This matter is before the Court upon the pro se prisoner Plaintiff's "Motion for Partial Summary Judgment Against Defendant Schofield." Docket No. 296. Plaintiff has filed a supporting Memorandum (Docket No. 297) and a supporting Declaration (Docket No. 298). Plaintiff has also submitted a "Statement of Undisputed Facts in Support of Motion for Partial Summary Judgment Against Schofield" (Docket No. 299).

The instant Motion and supporting documents were filed July 7, 2014. More than a month later, on August 20, 2014, Plaintiff was granted leave to file an "Amended and Supplemental Verified Complaint" (Docket No. 323). The instant Motion for Partial Summary Judgment was necessarily directed to the claims set forth in the Amended Complaint as it existed at the time (Docket No. 15), and not to the Amended and Supplemental Verified Complaint (Docket No. 323).

For the foregoing reasons, the instant Motion for Partial Summary Judgment (Docket No.

296) should be DENIED AS MOOT.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn,* 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied,* 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.

E. Clifton Knowles
United States Magistrate Judge